



UNITED STATES
SECURITIES AND EXCHANGE COMMISSION
 NEW YORK REGIONAL OFFICE
 BROOKFIELD PLACE, 200 VESEY STREET, SUITE 400
 NEW YORK, NEW YORK 10281-1022

WRITER'S DIRECT DIAL LINE
 (212) 336-0140

May 22, 2020

USDC SDNY
 DOCUMENT
 ELECTRONICALLY FILED
 DOC #: _____
 DATE FILED: 05/22/2020

By ECF

The Honorable Valerie E. Caproni
 Thurgood Marshall
 United States Courthouse
 40 Foley Square
 New York, NY 10007

MEMO ENDORSED

Re: SEC v. Penn, et al., No. 14 Civ. 0581 (VEC)

Dear Judge Caproni:

Plaintiff Securities and Exchange Commission respectfully writes to request an extension to the briefing schedule (Dkt. No. 338) for the SEC's post-judgment motion for the turnover of assets, to allow the SEC time to examine the relevant safe deposit box in accordance with state guidelines concerning the Covid pandemic. *Pro se* defendant Lawrence E. Penn III ("Penn") consents to this request.

On April 15, 2020, the SEC proposed the current briefing schedule, later so-ordered by the Court, requiring the SEC to file its asset turnover motion on Tuesday, May 26, 2020. The Court recently granted the SEC's motion for an order permitting it to examine and inventory the contents of a safe deposit box in the name of Defendant Camelot Group International, LLC. The contents of the box reside in JP Morgan Chase Bank's custody, and the SEC has agreed, at Penn's request, to conduct the examination in midtown Manhattan, if Chase permits. Since the SEC submitted its proposed schedule for the turnover motion, there have been multiple extensions of the New York State executive order known as "PAUSE," which states, among other things, that "[a]ny concentration of individuals outside their home must be limited to workers providing essential services." The order is expected to be lifted for New York City no earlier than Saturday, June 13, 2020.

The SEC therefore respectfully requests that the briefing schedule be extended so that the SEC can incorporate all available information about the Defendants' assets, including from the SEC's examination of the safe deposit box contents, into the turnover motion. The SEC does not anticipate being able to examine the safety deposit box until Monday, June 15, 2020, at the earliest, given the PAUSE executive order. The SEC therefore requests that the Court approve the revised proposed schedule set forth below, which assumes that the PAUSE order permits the examination to occur in New York City by June 30, 2020:

- July 8, 2020: Deadline for the SEC to file its turnover motion and supporting papers (original date: May 26, 2020).

- July 29, 2020: If necessary, the Court issues an Order to Show Cause to entities holding assets for which turnover is requested (original date: June 15, 2020).
- August 19, 2020: Deadline for Defendants to file any opposition papers and for any non-party to file objections (original date: July 8, 2020).
- August 26, 2020: Deadline for the SEC to file any reply papers (original date: July 22, 2020).

Upon filing of the turnover motion, the SEC intends to seek, and file with the Court, consents from the non-parties holding Defendants' assets. If the Court approves the proposed schedule and the SEC does not receive such consents from all such non-parties by July 27, 2020, the SEC intends to request that the Court issue the Order to Show Cause. The delay between the filing of the turnover motion and the deadline for any opposition papers and non-party objections would allow sufficient time for the SEC to serve non-parties with the Order to Show Cause, if required, and for non-parties to respond.

If the PAUSE order is extended beyond mid-June, the SEC staff may seek a further extension to allow time for the parties to safely participate in the examination of the safe deposit box, and for the results of the examination to be incorporated into the turnover motion.

This is the SEC's first request for an extension of time to file the turnover motion. During the course of this litigation, prior to entry of the judgment against the entity defendants, the SEC requested an extension or adjournment on one occasion.

For these reasons, the SEC respectfully requests that the Court grant the SEC's extension of the deadline to file its turnover motion and approve the updated proposed briefing schedule.

Respectfully submitted,



Karen E. Willenken
Attorney for Plaintiff
Securities and Exchange Commission

cc: Lawrence E. Penn III (by email)

Application GRANTED.

SO ORDERED.

Date: 05/22/2020



HON. VALERIE CAPRONI
UNITED STATES DISTRICT JUDGE